

#5/Declaration
DEVICES
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

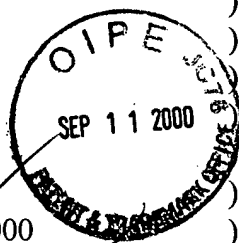
In Re U.S. Patent Application of:)

Anthony D. Minervini and)
Honorio S. Luciano)

Serial No.: 09/510,116)

Filed: February 22, 2000)

For: PTC CIRCUIT)
PROTECTION DEVICES)



Examiner: Unassigned

Art Unit: 1751

DECLARATION OF NELSON D. NOLTE

Commissioner for Patents
Office of Petitions
Washington, D.C. 20231
Dear Sir:

I, Nelson D. Nolte, state as follows:

1. I am an attorney registered to practice before the United States Patent and Trademark Office, Registration No. 42,936, and am licensed to practice in the State of Illinois. I am an associate in the law firm of Wallenstein & Wagner, Ltd., 311 South Wacker Drive, 53rd Floor, Chicago, Illinois 60606.

2. As counsel for Applicants, I have read the above-referenced Application, now the subject of the accompanying *Petition to Make Special Under 37 C.F.R. §1.102*.

3. I recently became aware of a PTC circuit protection device which is being imported and sold in the United States.

4. I recently made a rigid comparison of the PTC circuit protection device with the claims of the above-referenced Application. It is my opinion that *at least* claims 1-6 and 8-25 are actually and unquestionably infringed by the PTC circuit protection device.

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SEP 21 2000
TECHNOLOGY CENTER 2800
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SEP 19 2000
TC 1700 MAIL ROOM

Attorney Docket No. 804R P 746
Application Serial No. 09/510,116

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5. I caused a careful and thorough search of the prior art to be performed. Specifically, in May 1999, a search was conducted by the U.S. Patent and Trademark Office in the following classes and subclasses: 338/22R, 361/103 and 361/106.

6. This search of classes and subclasses 338/22R, 361/103 and 361/106 was supplemented with a search performed in August 2000. A copy of each of the references deemed most closely related to the subject matter encompassed by the claims is submitted has been previously submitted or is submitted herewith, including a form PTO 1449 listing each reference.

Declarant further states that all statements made herein of his own knowledge are true, and all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willfully false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and such willfully false statements may jeopardize the validity of the Application or document or any registration resulting therefrom.

Respectfully submitted,

Date: September 11, 2000

By: 
Nelson D. Nolte, Registration No. 42,938
WALLENSTEIN & WAGNER, LTD.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6622
(312) 554-3300

CERTIFICATE OF EXPRESS MAILING

Express Mail Label No: **EL590258465US**
Date of Deposit: **September 11, 2000**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to:

Commissioner For Patents
Office of Petitions
Washington, D.C. 20231


Sharon K. Boswell (105438.1)